

UNITED STATES DISTRICT COURT

20 APR 15 AM 8:57

for the

CLERK - LAS CRUCES

District of New Mexico

United States of America

v.

Juan Miguel Alvarez

Case No.

20mj1032

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 26, 2020 in the county of Dona Ana in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2251(a)

Production of Child Pornography

I further state that I am a Homeland Security Investigations Special Agent
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Stephani Legarreta-HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04-15-2020City and state: Las Cruces, New Mexico

Judge's signature

KEVIN R. SWEAZEA

U.S. MAGISTRATE JUDGE
Printed name and title

Affidavit

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six (6) years at New Mexico State University where I received my Bachelors and Master's Degree in Criminal Justice. During the course of investigation I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating sex trafficking. Your Affiant has conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of search warrants to search businesses and seize materials relating to child exploitation.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against Juan Miguel Alvarez for Production of Child Pornography, in violation of 18 U.S.C. § 2251(a).

Relevant Statutes

3. Production and Attempted Production of Child Pornography, in violation of 18 U.S.C. § 2251(a) and (c), provides "any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in,

any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e).”

Details of the Investigation

4. On April 9, 2020, Homeland Security Investigations Las Cruces, New Mexico received information from a detective who is employed with the Doña Ana Sheriff Office (DASO). The information was regarding an individual identified as Juan Miguel Alvarez, who is 45 years of age, engaging in an inappropriate relationship with a 13-year-old female, hereafter, known as MV1 (minor victim 1).
5. On April 7, 2020, DASO was dispatched to a physical altercation in progress between MV1's brother and Alvarez. The altercation began due to the brother of MV1 finding out Alvarez was actively pursuing a sexual relationship with MV1. MV1 had gotten in trouble recently and her father took her phone and when reviewing MV1's phone, messages on an application called "Talkatone" to a contact labeled as "Vicky" were found. MV1's father, recognized the adult male on the messages as Alvarez because of the photos of Alvarez' face and what appeared to be his penis being sent to MV1. MV1's father also came across photos of MV1, both clothed and unclothed photos of MV1, that had been sent to Alvarez.
6. Alvarez initially met MV1 through the step-mother's brother of MV1 when the brother was residing at MV1's residence. During a post-Miranda interview with Alvarez by DASO detectives, Alvarez stated he and MV1 were just friends and she would send him photos of herself naked, but he would tell MV1 not to do that. When confronted with the fact that he had sent pictures of his penis to MV1, and the explicit communication between both, Alvarez admitted he made a mistake and he knew what he was doing was wrong.
7. Alvarez further stated he and MV1 had only exchanged communication and sexually explicit photos, but he had never had sexual intercourse with MV1. Law enforcement asked about a message where Alvarez asked MV1, "how was the sex". Alvarez denied

ever touching MV1. During a post-*Miranda* follow-up interview with Alvarez, he explained he did meet with MV1 in his truck and MV1 attempted to engage in sexual activity, but Alvarez pushed her away. Alvarez went on to admit that he had masturbated in front of MV1 and MV1 had done the same in front of Alvarez. Alvarez continued to deny ever sexually touching MV1. Alvarez did admit to providing MV1 with marijuana.

8. On April 7, 2020, MV1 was given a forensic interview. During the interview she maintained that her relationship with Alvarez was merely friendship. MV1 stated she and Alvarez had exchanged photographs before but did not say that either were naked in the pictures. MV1 also denied any sexual contact with Alvarez.
9. On April 10, 2020, a state district court search warrant was obtained for both MV1 and Alvarez' cell phones. On April 13, 2020, Homeland Security Investigations forensic officers completed an extraction on MV1's cell phone. It appears the messages between MV1 and Alvarez start in February 2020 and the last message recovered was on April 7, 2020. The following messages were recovered from MV1's phone from February 26, 2020:

Alvarez: Yea send me some pics babe

Alvarez: Please

Alvarez: and I will see you

MV1: Okay I'm down

Alvarez: Send me a pic

Alvarez: Is this really you

Alvarez: I had a dream you were my girlfriend

Alvarez: Oh Dammn

MV1: Yes it is and aww that would be so cool we could sleep with each other

[MV1 then sends Alvarez four photos of her genital area exposed]

Alvarez: All of it

MV1: I just berly screen shot them from right now

MV1: And I want some pic too

Alvarez: Ok soo when can I get you do you have a friend you can spend the night at

Alvarez: You so pretty show me how you look right now

Alvarez: Your latest pic

[Alvarez sends two photos of himself and three photos of his penis]

Alvarez: I've fallen for u

Alvarez: Please dont get me in trouble I'll love you forever

MV1: I wont and aww it cool with me

Conclusion

10. Based on all of the above information, your affiant submits there is probable cause to believe that Juan Miguel Alvarez committed Production of Child Pornography, in violation of 18 U.S.C. § 2251(a).

Prosecution of Juan Miguel Alvarez was approved by Assistant United States Attorney Marisa A. Ong.



Stephani Legarreta
Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 5 day of April 2020.



Honorable Kevin R. Sweazea
United States Magistrate Judge